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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

\$1,000 IN UNITED STATES
CURRENCY SEIZED FROM INMATE
ACCOUNT NUMBER 230227, IN THE
NAME OF JOSEPH ROSARIO
COPPOLA,

Defendant(s).

2:04-CV-1084 JCM (LRL)

ORDER

Presently before the court is *pro se* claimant Joseph Coppola's motion to reopen. (Doc. # 11). The plaintiff, United States, has responded (doc. # 12) and Coppola has replied (doc. # 13). Coppola seeks to recover \$1,000 seized from his inmate account on March 2, 2004.

This in rem civil forfeiture action arises out of a federal statute, 18 U.S.C. § 981, and is therefore governed by 18 U.S.C. § 983 and the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the "Supplemental Rules"). *See* Supp. R. A(1)(B); 18 U.S.C. § 983 (general rules for civil forfeiture proceedings); *United States v. \$100,348.00 in U.S. Currency*, 354 F.3d 1110, 1116 (9th Cir. 2004) (citing *United States v. 2659 Roundhill Drive*, 283 F.3d 1146, 1149 n.2 (9th Cir. 2001)).

...

1 Supplemental Rule G(5) provides that a person who claims an interest in the defendant
2 property subject to forfeiture must file “a claim in the court where the action is pending.” Supp. R.
3 G(5)(a)(I). The claim must identify the property claimed and the claimant, it should state the
4 claimant’s interest in the property, be signed by the claimant under penalty of perjury, and it should
5 be served on government counsel. See Supp. R. G(5)(i)(A)-(D). The rule also requires a verified
6 claim to be filed in the court where the forfeiture action is pending prior to filing an answer. See
7 Supp. R. G(5)(b)(answer to complaint must be filed within twenty days after filing claim); *see also*
8 18 U.S.C. § 953(a)(4)(B) (same).

9 A claimant seeking to contest a civil forfeiture must demonstrate both Article III standing and
10 statutory standing. See *United States v. One 1985 Cadillac Seville*, 866 F.2d 1142, 1148 (9th Cir.
11 1989). To establish statutory standing, the claimant must comply with the procedural requirements
12 in the Supplemental Rules. See *United States v. Real Property Located in Fresno County*, 135 F.3d
13 1312, 1316-17 (9th Cir. 1998). A party who fails to comply with these procedural requirements
14 lacks standing as a party to the action. *Id.* Thus, to establish standing in a forfeiture case, a claimant
15 must comply with the “most significant” procedural requirement of Supplemental Rule G and file
16 a verified claim. See *United States v. \$487,825.00*, 484 F.3d 662, 665 (3d Cir. 2007).

17 The verified claim requirement in Rule G(5) is not a mere procedural technicality.
18 *\$487,825.00*, 484 F.3d at 665. If the claimant fails to file a verified claim, he does not have standing
19 as a party to the forfeiture action. See *United States v. One Dairy Farm*, 918 F.2d 310, 311 (1st Cir.
20 1990). Filing a verified claim is a prerequisite to the right to answer and defend on the merits. *Id.*
21 Courts have “repeatedly emphasized” that forfeiture claimants must strictly adhere to the filing
22 requirements to perfect standing. *\$487,825.00*, 484 F.3d at 665. Pursuant to Supplemental Rule
23 G(5), the government may, at any time before trial, move to strike a claim or answer for failure to
24 file a verified claim. See Supp. R. G(8)(c)(i)(A); *see also United States v. \$38,570 U.S. Currency*,
25 950 F.2d 1108, 1112-1115 (5th Cir, 1992) (answer properly stricken where claimant filed an
26 untimely claim).

27 . . .

1 Coppola' motion is denied because he has failed to file a verified claim as required by the
2 supplemental rules. In addition to his lack of standing, Coppola waited nearly *ten years* after this
3 civil forfeiture proceeding concluded in which to file this motion.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that claimant Joseph Coppola's
6 motion to reopen (doc. # 11) be, and the same hereby is, DENIED.

7 DATED August 12, 2014.

8
9 
10 **UNITED STATES DISTRICT JUDGE**